

EXECUTIVE ORDER 12898 (FEDERAL ACTIONS TO ADDRESS ENVIRONMENTAL JUSTICE IN MINORITY AND LOW-INCOME POPULATIONS)

OVERVIEW

Executive Order 12898 requires federal agencies to identify and address disproportionately high and adverse human health and environmental effects of federal programs, policies, and activities on minority and low-income populations. Two State laws passed in 1999, [Senate Bill \(SB\) 115](#) and [SB 89](#), expanded the State's environmental justice responsibilities as well.

WHO NEEDS TO COMPLY?

Executive Order 12898 requirements apply to all CALFED actions that are located on federal land, sponsored by a federal agency, or funded with federal monies and may affect minority or low-income populations. In addition, the Programmatic Record of Decision and certification for the CALFED Bay-Delta Program Final Programmatic Environmental Impact Statement/Environmental Impact Report committed all CALFED agencies (i.e., both State and federal) to ensuring that this policy is carried out across all CALFED program elements.

HOW LONG DOES THE APPROVAL PROCESS TAKE?

Compliance with Executive Order 12898 does not create a separate process but rather is usually incorporated into the NEPA process. Please see the NEPA section for a description of time frames for preparation of environmental reports.

WHAT INFORMATION DOES THE APPLICANT NEED TO PROVIDE?

Federal agencies are required to evaluate the potentially significant, disproportionately high, and adverse human health and environmental effects of their proposed actions on minority and low-income communities when preparing federal environmental documents. They must provide meaningful opportunities for input into the NEPA process by affected communities.

WHAT IS THE FEE?

There is no fee to comply with Executive Order 12898. There are, however, costs associated with NEPA compliance. See "[National Environmental Policy Act](#)" earlier in this chapter for details.

WHAT DOES THE APPLICATION AND EVALUATION PROCESS ENTAIL?

To demonstrate compliance with Executive Order 12898, the CALFED agencies must show that they have considered and evaluated the environmental effects, including human health, economic, and social effects, on minority and low-income populations. They must design the proposed action to ensure that the action does not result, either directly or indirectly, in

discrimination on the basis of race, color, income, or national origin. The agencies must also provide an opportunity for early public review by those individuals and communities who may be affected, and must include their findings in their environmental document. If a proposed CALFED action will not result in significant adverse impacts on minority and low-income populations, the environmental document must describe how Executive Order 12898 was addressed during the NEPA process.

If a CALFED action does not have federal involvement and, therefore, no NEPA document is being prepared, the CEQA document should discuss whether the action could have disproportionately high health, environmental, social, or economic effects on minority or low-income communities. If the action could have these types of effects, the CEQA lead agency should contact CALFED staff for further guidance.

DOES THIS PROCESS TRIGGER THE NEED FOR COMPLIANCE WITH OTHER REGULATIONS?

Compliance with Executive Order 12898 is generally incorporated into the NEPA process. Executive Order 12898 does not trigger any other environmental compliance requirements.

WHAT ARE THE OPPORTUNITIES FOR FACILITATING COMPLIANCE WITH THIS PROCESS?

No substantial adverse effects related to environmental justice have been associated with the Preferred Program Alternative at the programmatic level. Analysis at the project-specific level will be needed to fully determine effects. Where significant and adverse environmental effects on minority and low-income communities are expected, an outreach program to minority and low-income populations can be employed at early stages of project planning. The NEPA scoping process can also be used to solicit information on the concerns of minority and low-income populations. Every effort should be made to ensure consistency with CALFED's Environmental Justice Strategy and initial Annual Plan, included as commitments in CALFED's ROD.



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